

CHAPTER 142. MILK PRODUCTS

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142.01. Public Health Service Ordinance Adopted. The Grade A pasteurized milk ordinance with administrative procedures as set forth in part II of the 1965 recommendations of the United States public health service as is promulgated by the public health service of the U.S. department of health, education and welfare, together with appendices A to I inclusive, as set forth in the same publication, are hereby adopted by reference with the modifications and additions contained in this chapter.

Three copies of the aforesaid 1965 recommendations of the United States public health service are marked as official copies and will be kept on file in the office of the city clerk for examination and use by the public.

142.02. Municipality and Personnel. Whenever said grade A pasteurized milk ordinance-with administrative procedures refers to the municipality involved, reference shall be to the city and/or its police jurisdiction; and whenever said ordinance refers to the health authority involved, reference shall be to the health officer of the city.

142.03. Permits. Subdivision I. Section 3 permits of said grade A pasteurized milk ordinance with administrative procedures is hereby amended by adding thereto the provisions in this section.

Subd. 2. Permits issued under this chapter to persons operating a milk plant shall expire on the 31st day of March following the issuance thereof. The fee for such permit shall be \$300.00 per year for plants whose physical facilities are routinely inspected by the health officer, and \$125.00 per year for plants shipping milk products into the city whose milk products only are routinely inspected by the health officer. The amount of the fee for such permit shall be \$150.00 and \$62.50 respectively, if the balance of the permit year at time of application is six months or less. The permit fee shall be paid to the city of Rochester at the time of application for a permit.

Subd. 3. In addition to the foregoing annual permit fee, each person operating a milk plant who is required to have a permit under the provisions of this section and whose plant facilities are routinely inspected by the health officer, shall also pay to the city an inspection fee of \$2.50 per month for each grade A producer listed as a grade A source of the permittee, whenever the farm of such producer is routinely inspected by the health officer under the provisions of this chapter.

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Subd. 4. The foregoing inspection fees shall be payable as follows: (a) for the quarter ending June 30th, on or before July 10th; (b) for the quarter ending September 30th, on or before October 10th; (c) for the quarter ending on December 31st, on or before January 10th; (d) for the quarter ending March 31st, on or before April 10th.

Subd. 5. The permit and inspection fees set forth above shall be used to defray a portion of the expense incurred in milk control work, including laboratory service in examination of milk and milk products provided for in this chapter. The board of public health and welfare is authorized to make appropriate charges related to costs for plant and producer inspections, laboratory work, and other services rendered in the determination of acceptability of grade A milk and milk products coming into the city.

142.04. Subdivision I. Said grade A pasteurized milk ordinance with administrative procedures is hereby further amended as provided in this section.

Subd. 2. "Section 1 Definitions" is amended by adding thereto the following definitions:

EE. "Cottage Cheese" means the soft uncured cheese obtained by adding lactic-acid-producing bacteria, with or without enzymatic action, to pasteurized skim milk, pasteurized lowfat milk, or pasteurized reconstituted skim milk. It shall contain not more than 80 percent moisture. Cottage cheese may be seasoned with salt.

FF. "Creamed cottage cheese" is prepared by mixing cottage cheese with a pasteurized creaming mixture consisting of pasteurized cream and milk, dry milk products, concentrated skim milk, skim milk, or lowfat milk, to which salt, lactic acid, and flavor producing bacteria, rennet, lactic acid, citric acid, phosphoric acid or stabilizer may be added. The quantity of milkfat added in the creaming mixture shall be not less than 4 percent by weight of the finished creamed cottage cheese. Dry milk products or concentrated skim milk may be added, provided the amount of added solids does not exceed 3 percent of the weight of the creaming mixture. Creamed cottage cheese shall contain not more than 80 percent moisture.

Subd. 3. The administrative procedures applicable to Item 7 p. "Water Supply" of Section 7, standards for milk and milk products, are amended by adding the following paragraph 8:

8. Water supply outlets are provided immediately available to the cottage cheese vats. The hose for transport of water for washing cottage cheese curd shall be arranged in such a way as to preclude the possibility of the hose touching the floor or the product.

Subd. 4. Paragraphs 1, 4, and 5 of the administrative procedures applicable to Item 19 p. "Capping" of Section 7, Standards for Milk and Milk Products, are amended to read in
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their entirety as follows:

I. The capping or closing of milk and milk product containers is done in a sanitary manner on approved mechanical capping/closing equipment. The term "approved mechanical capping and/or closing equipment" shall not exclude manually operated machinery. Hand capping shall be prohibited: Provided, that if suitable mechanical equipment for the capping or closing of specific containers of 3 gallons or more is not available, other methods which eliminate all possibility of contamination may be approved by the health authority. Provided further, that if suitable equipment is not available for capping cottage cheese and creamed cottage cheese, other methods of capping which eliminate possible chance of contamination may be approved by the health authority.

Subd. 5. All caps or closures protect the pouring lip of multiuse containers to at least the greatest diameter. Single service containers shall be so constructed that the product and the pouring and opening areas are protected from contamination during handling, storage, and when the containers are initially opened. Closures for cottage cheese and creamed cottage cheese containers shall extend over the top edges of the container so as to protect the product from contamination during subsequent handling.

Subd. 6. Caps and closures are handled in a sanitary manner. The first cap from each tube, the first laps from each roll of cap or cover stock, and the first sheet of parchment or cover paper shall be discarded. The subsequent use of loose caps which are left in the cappers at the end of an operating period after removal from the cap tubes shall be a violation of this item. Provided, that this requirement shall not apply to cottage cheese and creamed cottage cheese container closures, when such closures are supplied in a totally enclosed package, or wrapped so as to protect the closures.

Subd. 7. Section 15 is amended to read in its entirety as follows:

Section 15. Enforcement. This ordinance shall be enforced by the health authority, in accordance with grade A pasteurized milk ordinance with administrative procedures - 1965 recommendations of the United States public health service. Where the mandatory compliance with provisions of the appendices is specified, such provisions shall be deemed a requirement of the ordinance.

Subd. 8. Section 16 is amended to read in its entirety as follows:

Section 16. Penalty. Every person convicted of a violation of the provisions of this ordinance shall be punished by a fine of not to exceed \$1000.00 or by imprisonment for not to exceed 90 days and such person may be enjoined from continuing such violations. Each day

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upon which a violation occurs shall constitute a separate violations.

Subd. 9. Section 17 is amended to read in its entirety as follows:

(860, 4/1/54; 998, 8/18/58; 1456, 7/1/71; 3430 12/4/01)